

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BOARDS OF TRUSTEES OF OHIO
LABORERS' FRINGE BENEFIT PROGRAMS,

Plaintiffs,

v.

Case No. 2:16-cv-714
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson

MIAMI VALLEY MASONRY, INC.,

Defendant.

ORDER

This matter is before the Court for consideration of a Report and Recommendation issued by the Magistrate Judge on September 1, 2016. (ECF No. 7.) The time for filing objections has passed, and no objections have been filed to the Report and Recommendation. Therefore, the Court **ADOPTS** the Report and Recommendation. For the reasons set forth in the Report and Recommendation, the Plaintiffs' Motion for Default Judgment (ECF No. 6) is **GRANTED**. (See Fed. R. Civ. P. 55(a) and (b)(2)).

This action seeks unpaid fringe benefit contributions, liquidated damages, and interest allegedly owed to certain employee benefits plans pursuant to a collective bargaining agreement. Plaintiffs are the trustees of four trust funds, and they assert these claims under ERISA, 29 U.S.C. § 1132. The record shows that Defendant Miami Valley Masonry, Inc. was served with a summons and a copy of the complaint on August 5, 2016 (ECF No. 3), and has failed to plead or otherwise defend this action. Plaintiffs applied to the Clerk for an entry of default (ECF No. 4), which was entered pursuant to Rule 55(a) on August 30, 2016 (ECF No. 5). Plaintiffs then filed

their Motion for Default Judgment (ECF No. 6), seeking default judgment against Defendant. This Court has reviewed the underlying supporting documentation, and concurs in the recommendation of the Magistrate Judge (ECF No. 7).

Accordingly, the Court **DIRECTS** the Clerk to enter judgment against Defendant Miami Valley Masonry, Inc. in favor of the Plaintiffs Boards of Trustees of the Ohio Laborer's Fringe Benefit Programs. The Court finds that Plaintiffs are entitled to judgment in the amount of Seventeen Thousand Nine Hundred Thirty-Three Dollars and Seventy-Two Cents (\$17,933.72) in unpaid fringe benefit contributions, liquidated damages, and prejudgment interest for the period of August 2015 through June 2016. *See* 29 U.S.C. § 1132(g)(2). Plaintiffs are awarded attorney's fees in the amount of One Thousand Seven Hundred Eighty-Five Dollars (\$1,785.00), plus interest from the date of this Order at the rate of one percent (1%) per month.

IT IS SO ORDERED.

DATE

2-17-2017

MS

EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE